

MESSAGE NO: 0271302 MESSAGE DATE: 09/28/2010

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: AMD-Amend

FR CITE: 75 FR 53947 FR CITE DATE: 09/02/2010

REFERENCE 5041202
MESSAGE #
(s):
CASE #(s): A-351-838

EFFECTIVE DATE: 09/02/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: RE: AMENDED FINAL DETERMINATION, CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL (A-351-838)

1. ON 02/01/2005, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER ON CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL (70 FR 5143). ON 09/02/2010, COMMERCE PUBLISHED IN THE FEDERAL REGISTER AN AMENDED FINAL DETERMINATION IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL (75 FR 53947). THIS IS AN AMENDMENT OF MESSAGE 5041202 ON 02/10/2005.

2. PURSUANT TO THE RESULTS OF FINAL AND CONCLUSIVE LITIGATION (AD HOC SHRIMP TRADE ACTION COMMITTEE, VERSAGGI SHRIMP CORPORATION, AND INDIAN RIDGE SHRIMP COMPANY V. UNITED STATES, SLIP OP. 10-39 (CIT 2010)), COMMERCE FOUND THAT DUSTED SHRIMP IS INCLUDED WITHIN THE SCOPE OF THIS AMENDED FINAL DETERMINATION. DUSTED SHRIMP IS 1) PRODUCED FROM FRESH (OR THAWED-FROM-FROZEN) AND PEELED SHRIMP; 2) TO WHICH A "DUSTING" LAYER OF RICE OR WHEAT FLOUR OF AT LEAST 95 PERCENT PURITY HAS BEEN APPLIED; 3) WITH THE ENTIRE SURFACE OF THE SHRIMP FLESH THOROUGHLY AND EVENLY COATED WITH THE FLOUR; 4) WITH THE NON-SHRIMP CONTENT OF THE END PRODUCT CONSTITUTING BETWEEN FOUR AND 10 PERCENT OF THE PRODUCT'S TOTAL WEIGHT AFTER BEING DUSTED, BUT PRIOR TO BEING FROZEN; AND 5) THAT IS SUBJECTED TO INDIVIDUALLY QUICK FROZEN (IQF) FREEZING IMMEDIATELY AFTER APPLICATION OF THE DUSTING LAYER.

3. BECAUSE COMMERCE HAS DETERMINED THAT DUSTED SHRIMP IS NOW INCLUDED WITHIN THE SCOPE OF THIS AMENDED FINAL DETERMINATION, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 09/02/2010 THROUGH 10/10/2010. AFTER 10/10/2010, CBP WILL NO LONGER SUSPEND LIQUIDATION OR COLLECT BOND OR CASH DEPOSITS ON ENTRIES OF DUSTED SHRIMP. WHEN APPROPRIATE, COMMERCE WILL ISSUE SEPARATE INSTRUCTIONS AUTHORIZING A RESTART OF SUSPENSION OF LIQUIDATION AND COLLECTION OF CASH DEPOSITS ON ENTRIES OF DUSTED SHRIMP.

4. EFFECTIVE 09/02/2010 THROUGH 10/10/2010, CBP SHALL REQUIRE FOR SUCH ENTRIES OF DUSTED SHRIMP, A CASH DEPOSIT OR BOND EQUAL TO THE MARGINS FOR THE MANUFACTURERS/EXPORTERS LISTED BELOW.

NOTE: FOR THE COMPANIES LISTED BELOW COMMERCE HAS CREATED CASE NUMBERS WHICH WILL BE EFFECTIVE FOR ENTRIES OF DUSTED SHRIMP ONLY FOR THE PERIOD 09/02/2010 THROUGH 10/10/2010. FOR OTHER (NON DUSTED SHRIMP) ENTRIES OF CERTAIN FROZEN WARMWATER SHRIMP , CONTINUE TO USE THE CASE NUMBERS CURRENTLY IN EFFECT.

CENTRAL DE INDUSTRIALIZACAO E DISTRIBUICAO DE ALIMENTOS
LTDA. (CIDA)/CIA EXPORTADORA DE PRODUTOS DO MAR
(PRODUMAR) (A-351-838-024) 4.97%

EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA (EMPAF)/MARICULTURA
NETUNO S.A. (MARICULTURA) (A-351-838-025) 7.94%

NORTE PESCA S.A. (A-351-838-026) 67.80%

ALL OTHERS COMPANIES (A-351-838-027) 7.05%

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202)482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O2:EE).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-351-838-024	4.97%	M		CENTRAL DE INDUSTRIALIZACAO E DISTRIBUICAO DE ALIMENTOS LTDA. (CIDA)
A-351-838-025	7.94%	M		EMPRESA DE ARMAZENAGEM FRIGORIFICA LTDA (EMPAF) /MARICULTURA
A-351-838-026	67.80%	M		NORTE PESCA S.A.
A-351-838-027	4.97%	M		ALL OTHER COMPANIES